

PAUL J. PASCUZZI, State Bar No. 148810
JASON E. RIOS, State Bar No. 190086
THOMAS R. PHINNEY, State Bar No.
159435
FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS
LLP
500 Capitol Mall, Suite 2250
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
Email: ppascuzzi@ffwplaw.com
jrios@ffwplaw.com
tphinney@ffwplaw.com

ORI KATZ, State Bar No. 209561
ALAN H. MARTIN, State Bar No. 132301
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
A Limited Liability Partnership Including
Professional Corporations
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: (415) 434-9100
Facsimile: (415) 434-3947
Email: okatz@sheppardmullin.com
amartin@sheppardmullin.com

*Attorneys for The Roman Catholic
Archbishop of San Francisco*

PIERCE A. MACCONAGHY (SBN 341371)
pierce.macconaghy@stblaw.com
SIMPSON THACHER & BARTLETT LLP
2475 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

ANDREW T. FRANKEL (*pro hac vice*)
afrankel@stblaw.com
MICHAEL H. TORKIN (*pro hac vice*)
michael.torkin@stblaw.com
DAVID ELBAUM (*pro hac vice*)
david.elbaum@stblaw.com
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

*Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as
successor to Insurance Company of North
America,
Pacific Indemnity Company, and
Westchester Fire Insurance Company as
successor in interest to Industrial
Underwriters Insurance Company for policies
JU835-8355 and JU895-0964*

(additional counsel listed on signature page)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San
Francisco,

Debtor and
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**NOTICE OF ENTRY INTO, AND FILING
OF, PROPOSED ORDER AND
STIPULATION TO WITHDRAW
WITHOUT PREJUDICE THE MOTION
OF CERTAIN INSURERS FOR RELIEF
FROM AUTOMATIC STAY TO PERMIT
CALIFORNIA COVERAGE ACTION TO
CONTINUE**

No Hearing Requested
Judge: Hon. Dennis Montali

**TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY
JUDGE, AND ALL OTHER INTERESTED PARTIES:**

PLEASE TAKE NOTICE that Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, and Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively, the “**Insurers**”) on the one hand, and the Roman Catholic Archbishop of San Francisco (the “**Debtor**”), on the other hand, have entered into, and jointly submit to the Court for review and entry, the proposed *Order Approving Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* attached hereto as Exhibit A.

[SIGNATURE PAGES TO FOLLOW]

Respectfully submitted,

Dated: February 6, 2024

/s/ Pierce A. MacConaghy

Pierce A. MacConaghy (BAR NO. 341371)
SIMPSON THACHER & BARTLETT LLP
2475 Hanover Street
Palo Alto, CA 94304
pierce.macconaghy@stblaw.com

Andrew T. Frankel (*pro hac vice*)
Michael H. Torkin (*pro hac vice*)
David Elbaum (*pro hac vice*)

SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, New York 10017
afrankel@stblaw.com
michael.torkin@stblaw.com
david.elbaum@stblaw.com

Alexander Potente (BAR NO. 208240)
alex.potente@clydeco.us
Jason J. Chorley (BAR NO. 263225)
jason.chorley@clydeco.us
CLYDE & CO US LLP
150 California Street, 15th Floor
San Francisco, CA 94111 USA
Telephone: 415-365-9800
Facsimile: 415-365-9801

*Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as
successor to Insurance Company of North
America, Pacific Indemnity Company, and
Westchester Fire Insurance Company as
successor in interest to Industrial Underwriters
Insurance Company for policies JU835-8355
and JU895-0964*

1 Dated: February 6, 2024

FELDERSTEIN FITZGERALD WILLOUGHBY
PASCUZZI & RIOS LLP

2
3 By: /s/ Paul J. Pascuzzi
PAUL J. PASCUZZI
4 JASON E. RIOS
THOMAS R. PHINNEY
5 Attorneys for The Roman Catholic Archbishop of San
Francisco

6 Dated: February 6, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

7 By: /s/ Ori Katz
ORI KATZ
8 ALAN H. MARTIN
9 Attorneys for The Roman Catholic Archbishop of San
Francisco

Exhibit A

Order Approving Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers for Relief from the Automatic Stay to Permit California Coverage Action to Continue

PAUL J. PASCUZZI, State Bar No. 148810
JASON E. RIOS, State Bar No. 190086
THOMAS R. PHINNEY, State Bar No.
159435
FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS
LLP
500 Capitol Mall, Suite 2250
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
Email: ppascuzzi@ffwplaw.com
jrios@ffwplaw.com
tphinney@ffwplaw.com

ORI KATZ, State Bar No. 209561
ALAN H. MARTIN, State Bar No. 132301
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
A Limited Liability Partnership Including
Professional Corporations
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: (415) 434-9100
Facsimile: (415) 434-3947
Email: okatz@sheppardmullin.com
amartin@sheppardmullin.com

*Attorneys for The Roman Catholic
Archbishop of San Francisco*

PIERCE A. MACCONAGHY (SBN 341371)
pierce.macconaghy@stblaw.com
SIMPSON THACHER & BARTLETT LLP
2475 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

ANDREW T. FRANKEL (*pro hac vice*)
afrankel@stblaw.com
MICHAEL H. TORKIN (*pro hac vice*)
michael.torkin@stblaw.com
DAVID ELBAUM (*pro hac vice*)
david.elbaum@stblaw.com
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

*Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as
successor to Insurance Company of North
America,
Pacific Indemnity Company, and
Westchester Fire Insurance Company as
successor in interest to Industrial
Underwriters Insurance Company for policies
JU835-8355 and JU895-0964*

(additional counsel listed on signature page)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San
Francisco,

Debtor and
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**ORDER APPROVING STIPULATION
TO WITHDRAW WITHOUT
PREJUDICE THE MOTION OF
CERTAIN INSURERS FOR RELIEF
FROM AUTOMATIC STAY TO PERMIT
CALIFORNIA COVERAGE ACTION TO
CONTINUE**

No Hearing Requested
Judge: Hon. Dennis Montali

1 Upon consideration of the *Stipulation to Withdraw Without Prejudice the Motion of*
2 *Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue*
3 (the “**Stipulation**”) filed with the Court on February 6, 2024, as Exhibit 1 to Exhibit A of the
4 *Notice of Entry Into, and Filing of, Proposed Order and Stipulation to Withdraw Without*
5 *Prejudice the Motion of Certain Insurers for Relief from Automatic Stay to Permit California*
6 *Coverage Action to Continue* [ECF No. 449], and attached hereto as Exhibit 1,

7 **IT IS HEREBY ORDERED THAT:**

- 8 1. The Stipulation is approved and entered as an order of this Court.
- 9 2. This Court shall retain jurisdiction to hear and determine all matters arising from
10 or related to the implementation, interpretation, or enforcement of this Order.

11 *****END OF ORDER*****

Exhibit 1

**Stipulation to Withdraw Without Prejudice the Motion of Certain Insurers
for Relief from the Automatic Stay to Permit California Coverage Action to
Continue**

PAUL J. PASCUZZI, State Bar No. 148810
JASON E. RIOS, State Bar No. 190086
THOMAS R. PHINNEY, State Bar No.
159435
FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS
LLP
500 Capitol Mall, Suite 2250
Sacramento, CA 95814
Telephone: (916) 329-7400
Facsimile: (916) 329-7435
Email: ppascuzzi@ffwplaw.com
jrios@ffwplaw.com
tphinney@ffwplaw.com

ORI KATZ, State Bar No. 209561
ALAN H. MARTIN, State Bar No. 132301
SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP
A Limited Liability Partnership Including
Professional Corporations
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: (415) 434-9100
Facsimile: (415) 434-3947
Email: okatz@sheppardmullin.com
amartin@sheppardmullin.com

*Attorneys for The Roman Catholic
Archbishop of San Francisco*

PIERCE A. MACCONAGHY (SBN 341371)
pierce.macconaghy@stblaw.com
SIMPSON THACHER & BARTLETT LLP
2475 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 251-5000
Facsimile: (650) 251-5002

ANDREW T. FRANKEL (*pro hac vice*)
afrankel@stblaw.com
MICHAEL H. TORKIN (*pro hac vice*)
michael.torkin@stblaw.com
DAVID ELBAUM (*pro hac vice*)
david.elbaum@stblaw.com
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Facsimile: (212) 455-2502

*Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as
successor to Insurance Company of North
America,
Pacific Indemnity Company, and
Westchester Fire Insurance Company as
successor in interest to Industrial
Underwriters Insurance Company for policies
JU835-8355 and JU895-0964*

(additional counsel listed on signature page)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

The Roman Catholic Archbishop of San
Francisco,

Debtor and
Debtor in Possession.

Case No. 23-30564 (DM)

Chapter 11

**STIPULATION TO WITHDRAW
WITHOUT PREJUDICE THE MOTION
OF CERTAIN INSURERS FOR RELIEF
FROM AUTOMATIC STAY TO PERMIT
CALIFORNIA COVERAGE ACTION TO
CONTINUE**

Judge: Hon. Dennis Montali

Century Indemnity Company, as successor to CCI Insurance Company and Insurance Company of North America, Pacific Indemnity Company, and Westchester Fire Insurance Company as successor in interest to Industrial Underwriters Insurance Company for policies JU835-8355 and JU895-0964 (collectively, the “**Insurers**”) and the Roman Catholic Archbishop of San Francisco (the “**RCASF**” or the “**Debtor**,” and, together with the Insurers, the “**Parties**”), the debtor and debtor in possession in the above-captioned chapter 11 case (the “**Bankruptcy Case**”), enter into this stipulation and agreement (the “**Stipulation**”) to withdraw without prejudice the *Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket Nos. 251, 255] (the “**Motion**”).¹ The Parties hereby stipulate and agree as follows:

RECITALS

A. On October 27, 2023, the Insurers filed the Motion, which seeks to lift the automatic stay to allow a pending state-court coverage action (the “**California Coverage Action**”) to proceed in order to provide guidance and certainty on the extent of the Insurers’ and Debtor’s respective contractual rights and obligations for claims brought by survivors of childhood sexual abuse under the California Child Victims Act against the Archdiocese.

B. On November 16, 2023, the Debtor filed an objection (the “**Objection**”) to the Motion.²

C. On November 16, 2023, the Official Committee of Unsecured Creditors (the “**Committee**”) joined the Objection.³

D. The Parties have met and conferred with respect to the Insurers’ request for relief by the Motion. As a result, the Parties have come to an agreement regarding the relief requested by the Motion.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

² *Debtor’s Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket No. 313].

³ *Committee’s Joinder to Debtor’s Opposition to Motion of Certain Insurers for Relief from Automatic Stay to Permit California Coverage Action to Continue* [Docket No. 321].

1 E. This Stipulation was previously provided to counsel for the Committee. Counsel
2 for the Committee indicated that the Committee does not object to this Stipulation.

3 **NOW, THEREFORE, UPON THE FOREGOING RECITALS, WHICH ARE**
4 **INCORPORATED AS THOUGH FULLY SET FORTH HEREIN, IT IS HEREBY**
5 **STIPULATED AND AGREED, BY AND BETWEEN THE PARTIES, THROUGH THE**
6 **UNDERSIGNED:**

7 1. The Insurers agree to withdraw the Motion without prejudice.

8 2. The Insurers agree that they will not file a renewed motion to lift the stay without
9 providing the Debtor with at least 45-days' prior notice. The Debtor agrees it will not seek to
10 remove the California Coverage Action without providing Insurers with at least 45-days' prior
11 notice.

12 3. Neither the Insurers' agreement to withdraw the Motion, nor the pendency of the
13 stay, may be used in any manner (i) to challenge the Insurers' standing, (ii) in opposing any further
14 motion to lift the stay, or (iii) as a waiver, admission, or limitation of any kind with respect to the
15 Insurers' or the Debtor's rights, claims, defenses, or objections in connection with the California
16 Coverage Action or this Bankruptcy Case.

17 4. Other than as agreed to above, the Debtor and the Insurers reserve all rights, claims,
18 defenses, and objections.

19 [SIGNATURE PAGES TO FOLLOW]
20
21
22
23
24
25
26
27
28

1
2 Dated: February 6, 2024

3 /s/ Pierce A. MacConaghy
4 Pierce A. MacConaghy (BAR NO. 341371)
5 SIMPSON THACHER & BARTLETT LLP
6 2475 Hanover Street
7 Palo Alto, CA 94304
8 pierce.macconaghy@stblaw.com

9 Andrew T. Frankel (*pro hac vice*)
10 Michael H. Torkin (*pro hac vice*)
11 David Elbaum (*pro hac vice*)

12 SIMPSON THACHER & BARTLETT LLP
13 425 Lexington Avenue
14 New York, New York 10017
15 afrankel@stblaw.com
16 michael.torkin@stblaw.com
17 david.elbaum@stblaw.com

18 Alexander Potente (BAR NO. 208240)
19 alex.potente@clydeco.us
20 Jason J. Chorley (BAR NO. 263225)
21 jason.chorley@clydeco.us
22 CLYDE & CO US LLP
23 150 California Street, 15th Floor
24 San Francisco, CA 94111 USA
25 Telephone: 415-365-9800
26 Facsimile: 415-365-9801

27 *Counsel for Century Indemnity Company, as*
28 *successor to CCI Insurance Company, as*
successor to Insurance Company of North
America, Pacific Indemnity Company, and
Westchester Fire Insurance Company as
successor in interest to Industrial Underwriters
Insurance Company for policies JU835-8355
and JU895-0964

1 Dated: February 6, 2024

FELDERSTEIN FITZGERALD WILLOUGHBY
PASCUZZI & RIOS LLP

2 By: /s/ Paul J. Pascuzzi

3 PAUL J. PASCUZZI

4 JASON E. RIOS

THOMAS R. PHINNEY

Attorneys for The Roman Catholic Archbishop of San
Francisco

6 Dated: February 6, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

7 By: /s/ Ori Katz

8 ORI KATZ

ALAN H. MARTIN

Attorneys for The Roman Catholic Archbishop of San
Francisco